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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/900,827

07/06/2001

Barry H. Schwab

SFPF0002

8990

75671 7590 02/17/2009  
Sadler, Breen, Morasch & Colby, ps  
422 W. Riverside Ave, Suite 424  
Spokane, WA 99201

EXAMINER

CHAN, RICHARD

ART UNIT

PAPER NUMBER

2618

MAIL DATE

DELIVERY MODE

02/17/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* BARRY H. SCHWAB and JOHN G. POSA

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Appeal 2009-3498  
Application 09/900,827  
Technology Center 2600

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Mailed: February 17, 2009

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Before DALE M. SHAW, *Chief Appeals Administrator*.

ORDER DISMISSING APPEAL

On December 6, 2007, Appellants filed a Notice of Appeal. On February 10, 2009, counsel for the Appellants filed, among other documents, a Request for Continued Examination (RCE) under 37 CFR ' 1.114. Pursuant to the notice entitled ARequest for Continued Examination Practice and Changes to Provisional Application Practice,@ 65 Fed. Reg. 50092, 50095 (Aug. 16, 2000), and the provisions of 37 CFR ' 1.114(d), a request for continued examination under 37 CFR ' 1.114 filed after appeal has been taken, but prior to a decision on the appeal, Awill be treated as a request to withdraw the appeal and to reopen prosecution of the application before the examiner.@

Appeal 2009-3498  
Application 09/900,827

Accordingly, it is

ORDERED that the appeal filed December 6, 2007 is dismissed. The application is being returned to the Examiner for further action as may be appropriate.

If there are any questions pertaining to this dismissal, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

tdl

Sadler, Breen, Morasch & Colby, ps  
422 W. Riverside Ave, Suite 424  
Spokane WA 99201